

JUDGE JONES

08 CIV 6484

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ATTORNEYS FOR PLAINTIFF
BNP PARIBAS (SUISSE) S.A.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BNP PARIBAS (SUISSE) S.A.,

Plaintiff,

-against-

AVAILABILITY SHIPPING LTD., OVI LTD., and
OKTAN ENERGY & V/L SERVICE SP Z.O.O.

Defendants.

08 Civ. _____

**AFFIDAVIT IN
SUPPORT OF
OF ATTACHMENT**

STATE OF NEW YORK)

) ss:

COUNTY OF NEW YORK)

CHRISTOPHER R. NOLAN, being duly sworn, deposes and says:

1. I am associated with the firm of Holland & Knight LLP, attorneys for plaintiff BNP Paribas (Suisse) SA, and I am duly admitted to practice before the United States District Court for the Southern District of New York.

2. I am familiar with the facts and circumstances underlying this dispute and I am submitting this affidavit in support of the Verified Complaint and the Writ of Attachment.

3. Defendants Availability Shipping Ltd., OVI Ltd., and Oktan Energy & V/L Service SP z.o.o. ("Defendants") are not listed in the telephone directory of the principal metropolitan areas in this district, nor are they listed in the Transportation Tickler, a recognized commercial directory in the maritime industry.

4. Our office contacted the Secretary of State for the State of New York and was advised that Defendants are not New York business entities, nor are they foreign business entities authorized to do business in New York.

5. To the best of my information and belief, Defendants cannot be found within this district or within the State of New York.

6. Based upon the facts set forth in the Verified Complaint, I respectfully submit that the Defendants are severally liable to Plaintiff for the damages alleged in the Verified Complaint, which amounts, as best as can be presently determined, amount to a total of \$2,871,172.50.

7. Upon information and belief, Defendants have goods, chattels, credits, letters of credit, bills of lading, debts, effects and monies, funds, credits, wire transfers, accounts, letters of credit, electronic fund transfers, freights, sub-freights, charter hire, sub-charter hire, or other tangible or intangible property which belongs to them, is claimed by them, is being held for them or on their behalf, or which is being transferred for their benefit, within the jurisdiction and held in the name(s) of Availability Shipping Ltd., OVI Ltd., and/or Oktan Energy & V/L Service SP z.o.o. at one or more of the following financial institutions:

Bank of America, N.A.

Bank of China

The Bank of New York

Citibank, N.A.

Deutsche Bank Trust Company Americas

HSBC Bank USA, N.A.

JPMorgan Chase Bank, N.A.

UBS AG

Wachovia Bank, N.A.

Société Générale

Standard Chartered Bank

BNP Paribas

Calyon Investment Bank

American Express Bank

Commerzbank

ABN Amro Bank

Bank Leumi USA

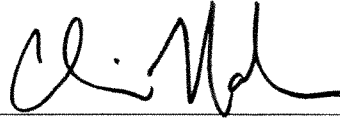
Banco Popular

Bank of Tokyo-Mitsubishi UFJ Ltd.

8. Plaintiff is, therefore, requesting that this Court, pursuant to Rule B(1) of the Supplemental Rules for Certain Admiralty and Maritime Claims and Asset Forfeiture Actions of

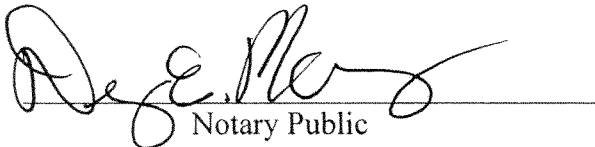
the Federal Rules of Civil Procedure, issue a writ of maritime attachment for an amount up to \$2,871,172.50 against each of the Defendants severally.

WHEREFORE, Plaintiff respectfully requests that the application for a writ of maritime attachment and garnishment be granted.



Christopher R. Nolan

Sworn to before me this
21st day of July, 2008


Notary Public

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DIALYZ E. MORALES
Notary Public, State of New York
NO. 01MO6059215
Qualified in New York County
Commission Expires June 25, 20 11